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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DERRICK KIRKWOOD,

No. C09-5593 RBL/KLS

9 Petitioner,

ORDER ADOPTING REPORT AND
RECOMMENDATION

10 v.

11 PAT GLEBE,

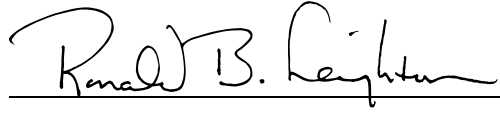
12 Respondent.

13 The Court, having reviewed the petition for writ of habeas corpus, the response, the
14 Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report
15 and Recommendation [Dkt. #24], and the remaining record, does hereby find and ORDER:

- 16 (1) The Court adopts the Report and Recommendation.
- 17 (2) Petitioner's Motion for an Extension of Time to File Objections [Dkt. #23] is
18 **DENIED as MOOT.**
- 19 (3) Petitioner's writ of habeas corpus (Dkt. 2) is **DENIED** and this action is
20 **DISMISSED WITH PREJUDICE.**
- 21 (4) The Court declines to issue a certificate of appealability because the Petitioner has
22 failed to make a "substantial showing of the denial of a constitutional right." 28
23 U.S.C. § 2253(c)(2).
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1 (5) The Clerk is directed to send copies of this Order to Petitioner, counsel for
2 Respondent and to the Hon. Karen L. Strombom.

3 DATED this 30th day of July, 2010.
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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
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